| 1 2 | PHILLIP A. TALBERT United States Attorney CHRISTOPHER S. HALES  |
|-----|---|
| 3   | Assistant U.S. Attorney 501 I Street, Suite 10-100  |
| 4   | Sacramento, CA 95814<br>(916) 554-2700  |
| 5   | Attorneys for Plaintiff United States of America  |
| 6   | Office States of America  |
| 7   |   |
| 8   | UNITED STATES DISTRICT COURT  |
| 9   | EASTERN DISTRICT OF CALIFORNIA  |
| 10  |   |
| 11  | In re: Marijuana Possession Dismissals Pursuant to October 6, 2022, Presidential  |
| 12  | Proclamation Pardoning Individuals for the UNITED STATES'S MOTION TO DISMISS AND  |
| 13  | Offense of Simple Possession of Marijuana ) RECALL BENCH WARRANTS; ORDER  |
| 14  |   |
| 15  |   |
| 16  |   |
| 17  |   |
| 18  | Dismissal of Marijuana Possession Cases Pursuant to Presidential Pardon   |
| 19  | By a presidential proclamation on October 6, 2022, President Biden announced a pardon for   |
| 20  | federal misdemeanor marijuana possession offenses. Pursuant to that presidential pardon and Rule  |
| 21  | 48(a) of the Federal Rules of Criminal Procedure, plaintiff United States of America, by and through its  |
| 22  | undersigned attorney, hereby moves this Honorable Court for an Order dismissing the 196 misdemeand  |
| 23  | marijuana possession cases listed in Exhibit A to this motion, and to recall all associated warrants.   |
| 24  | The list below contains those Eastern District of California marijuana possession cases that the  |
| 25  | U.S. Attorney's office has identified to date as still pending before the Sacramento division of the  |
| 26  |   |
| 27  | See <a href="https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/06/granting-pardon-for-">https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/06/granting-pardon-for-</a> |
| 28  | the-offense-of-simple-possession-of-marijuana/ (last accessed August 7, 2023).  |
|     | MOTION AND ORDER TO   |

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MOTION AND ORDER TO
DISMISS AND RECALL BENCH WARRANTS

IN RE: PRESIDENTIAL PROCLAMATION OF OCTOBER 6, 2022

district, including Redding, that have assigned ECF case numbers. Many of these cases remain open 1 because they are in warrant status. Consistent with President Biden's proclamation, the government 2 therefore requests that this Court order dismissal of these cases and recall of all associated warrants. 3 Respectfully submitted, 4 5 Dated: August 8, 2023 PHILLIP A. TALBERT 6 United States Attorney 7 8 9 CHRISTOPHER S. HALES Assistant United States Attorney 10 11 12 **ORDER** 13 14 As Chief Magistrate Judge for the Eastern District of California, and pursuant to the motion of 15 the United States, I hereby order dismissal of each misdemeanor marijuana possession case listed below 16 in Exhibit A, and the recall of all warrants associated with each case. I further direct the Clerk of the 17 Court to file a copy of this signed order in each of the cases listed below. 18 IT IS SO ORDERED. 19 Dated: August 9, 2023 20 21 UNITED STATES MAGISTRATE JUDGE 22 23 24 25 26 27

MOTION AND ORDER TO
DISMISS AND RECALL BENCH WARRANTS

## **Exhibit A List of Cases to be Dismissed**

|    | ECF Case Number   | Defendant                   |
|----|-------------------|-----------------------------|
| 1  | 2:17-PO-00495-DB  | Jose Rosas                  |
| 2  | 2:18-PO-00011-AC  | Frank Martinez              |
| 3  | 2:18-PO-00138-AC  | Daniel R. Carlson           |
| 4  | 2:18-PO-00149-DB  | Robert Mesta                |
| 5  | 2:18-PO-00331-DB  | Kevin B. Cowan              |
| 6  | 2:19-PO-00032-AC  | Cherish Carter              |
| 7  | 2:19-PO-00304-DB  | Joshua N. Stark             |
| 8  | 2:20-PO-00038-AC  | Aron Daniel                 |
| 9  | 2:20-PO-00040-AC  | Michael V. Dzigorski        |
| 10 | 2:20-PO-00205-KJN | Scott S. Barrett            |
| 11 | 2:20-PO-00300-EFB | Mario Bargas                |
| 12 | 2:20-PO-00462-DB  | Shaundell M. Hatcher-Harris |
| 13 | 2:20-PO-00479-CKD | Jasmine Moschell            |
| 14 | 2:20-PO-00562-CKD | Robert Williams             |
| 15 | 2:20-PO-00602-DB  | Thomas Hasch                |
| 16 | 2:21-PO-00159-AC  | Zachary J. Noack            |
| 17 | 2:21-PO-00195-DB  | Anthony Wright              |
| 18 | 2:21-PO-00274-CKD | Winston Jackson             |
| 19 | 2:21-PO-00282-CKD | Kurt Smith                  |
| 20 | 2:21-PO-00369-JDP | Michael R. Block            |
| 21 | 2:21-PO-00390-JDP | Michael Meletiou            |
| 22 | 2:21-PO-00395-JDP | Hosanna Perez               |
| 23 | 2:21-PO-00405-JDP | Allen White                 |
| 24 | 2:21-PO-00421-AC  | Donald Clontz               |
| 25 | 2:21-PO-00442-AC  | Robert T. Ocoboc            |
| 26 | 2:21-PO-00475-KJN | Harold Deaulette            |
| 27 | 2:22-PO-00020-KJN | Michael A. Heller           |
| 28 | 2:22-PO-00235-DB  | Michael Binder              |
| 29 | 3:16-PO-00006-CMK | Mindy J. Gaede              |
| 30 | 3:16-PO-00008-CMK | Tonka Gritts                |
| 31 | 3:16-PO-00016-CMK | Johnny C. Lor               |
| 32 | 3:16-PO-00019-CMK | Stephen Lundquist           |
| 33 | 3:16-PO-00021-CMK | Warren Martin               |
| 34 | 3:16-PO-00026-CMK | Dwayne Meyers               |
| 35 | 3:16-PO-00034-CMK | Johnny Lou                  |

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|    | ECF Case Number   | Defendant                 |
|----|-------------------|---------------------------|
| 36 | 3:16-PO-00073-CMK | Oliver Fresquez           |
| 37 | 3:16-PO-00111-CMK | Ronald Kistle             |
| 38 | 3:16-PO-00133-CMK | William Carter            |
| 39 | 3:16-PO-00135-CMK | Jeremy Deleal             |
| 40 | 3:16-PO-00176-CMK | Peter S. Graf             |
| 41 | 3:16-PO-00196-CMK | Gregory Crater            |
| 42 | 3:16-PO-00213-CMK | John Moreno               |
| 43 | 3:16-PO-00216-CMK | Silvestre Nevarez         |
| 44 | 3:16-PO-00242-CMK | Thomas Bailey             |
| 45 | 3:16-PO-00457-CMK | Tory Smith                |
| 46 | 3:16-PO-00502-CMK | Larry E. Sipes            |
| 47 | 3:16-PO-00521-CMK | Anthony E. Deal           |
| 48 | 3:16-PO-00552-CMK | Lee Khang                 |
| 49 | 3:16-PO-00571-CMK | Madison E. Bonnel         |
| 50 | 3:16-PO-00573-CMK | Rogelio Deival-Riggs      |
| 51 | 3:16-PO-00581-CMK | Warren Martin             |
| 52 | 3:16-PO-00584-CMK | William C. Moon           |
| 53 | 3:16-PO-00603-CMK | James E. Crosley          |
| 54 | 3:16-PO-00609-CMK | Devin C. Johnson          |
| 55 | 3:16-PO-00627-CMK | William R. Winstead       |
| 56 | 3:16-PO-00629-CMK | Emillano D. Herrera-Anaya |
| 57 | 3:17-PO-00045-CMK | Tanyia E. Callahan        |
| 58 | 3:17-PO-00050-CMK | Davis L. Cutter           |
| 59 | 3:17-PO-00059-CMK | Tiffany Haner             |
| 60 | 3:17-PO-00064-CMK | Rosser L. Jones           |
| 61 | 3:17-PO-00069-CMK | Joshua A. Levi            |
| 62 | 3:17-PO-00081-CMK | Eric L. Milam             |
| 63 | 3:17-PO-00087-CMK | Justin T. Resmondo        |
| 64 | 3:17-PO-00090-CMK | Lai H. Saeyang            |
| 65 | 3:17-PO-00093-CMK | Danford L. Schow          |
| 66 | 3:17-PO-00155-CMK | Robert A. Edwards         |
| 67 | 3:17-PO-00166-CMK | Joseph V. Trevino         |
| 68 | 3:17-PO-00167-CMK | Paul Vaughan              |
| 69 | 3:17-PO-00171-CMK | James M. Atwood           |
| 70 | 3:17-PO-00172-CMK | Michael A. Fontes         |
| 71 | 3:17-PO-00177-CMK | Michael B. Yingling       |
| 72 | 3:17-PO-00210-CMK | William A. Abrego         |
| 73 | 3:17-PO-00224-CMK | Charles M. Niemeien       |
| 74 | 3:17-PO-00227-CMK | Amy Tiner                 |
| 75 | 3:17-PO-00229-CMK | Kevin L. Turner           |
| 76 | 3:17-PO-00242-CMK | Tianna M. Lee             |
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|     | ECF Case Number   | Defendant                   |
|-----|-------------------|-----------------------------|
| 77  | 3:17-PO-00259-CMK | Travis A. Gendreau          |
| 78  | 3:17-PO-00328-CMK | Marcus A. Collins           |
| 79  | 3:17-PO-00336-CMK | Gary S. Due                 |
| 80  | 3:17-PO-00345-CMK | Sergio Guerrero Jr          |
| 81  | 3:17-PO-00353-CMK | Zachary T. Hobbs            |
| 82  | 3:17-PO-00355-CMK | Robert A. Jones Jr          |
| 83  | 3:17-PO-00360-CMK | Katie V. Lucas              |
| 84  | 3:17-PO-00361-CMK | Alexandrya Magdalenochapman |
| 85  | 3:17-PO-00368-CMK | James Pawlyk                |
| 86  | 3:17-PO-00374-CMK | Christopher W. Rathja Jr    |
| 87  | 3:17-PO-00386-CMK | Nicholas Schave             |
| 88  | 3:17-PO-00393-CMK | Jodie A. Teal               |
| 89  | 3:17-PO-00395-CMK | Justin L. Wade              |
| 90  | 3:17-PO-00396-CMK | Franklin A. Williams        |
| 91  | 3:17-PO-00451-CMK | Rodney W. Young             |
| 92  | 3:17-PO-00508-CMK | Sarah S. Hayburn            |
| 93  | 3:17-PO-00598-CMK | Giovanni A. Cabrera-Caicedo |
| 94  | 3:17-PO-00622-CMK | Antonio J. Ramirez          |
| 95  | 3:17-PO-00629-CMK | Ruben Vargas                |
| 96  | 3:17-PO-00661-CMK | Gary T. Haren               |
| 97  | 3:17-PO-00670-CMK | Brandon Birron              |
| 98  | 3:17-PO-00675-CMK | Alexander W. Calvert        |
| 99  | 3:17-PO-00682-CMK | Carlos X. Cruz              |
| 100 | 3:17-PO-00693-CMK | James O. Hamilton II        |
| 101 | 3:17-PO-00696-CMK | Eric L. Hatfield            |
| 102 | 3:17-PO-00703-CMK | Larry Laird                 |
| 103 | 3:17-PO-00712-CMK | Jaime E. Montana Equihua    |
| 104 | 3:17-PO-00720-CMK | Sarah E. Preston            |
| 105 | 3:17-PO-00726-CMK | Evan Stowers                |
| 106 | 3:18-PO-00038-CMK | Lorrie M. Robinson          |
| 107 | 3:18-PO-00041-CMK | Amber Yates                 |
| 108 | 3:18-PO-00050-CMK | Albert Hernandez            |
| 109 | 3:18-PO-00086-CMK | Jeffrey J. Quinlain         |
| 110 | 3:18-PO-00096-CMK | Jon W. Payne                |
| 111 | 3:18-PO-00097-CMK | Roy J. Petersen             |
| 112 | 3:18-PO-00102-CMK | Franklin A. Patty           |
| 113 | 3:18-PO-00114-CMK | Nhou C. Vang                |
| 114 | 3:18-PO-00123-CMK | Charles K. Day              |
| 115 | 3:18-PO-00178-CMK | Bobby Manjoet               |
| 116 | 3:18-PO-00262-DMC | Michael J. Singer           |
| 117 | 3:18-PO-00281-DMC | Daniel R. Bordner           |

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|     | ECF Case Number   | Defendant                  |
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| 118 | 3:18-PO-00291-DMC | Nicholas P. Johnson        |
| 119 | 3:18-PO-00305-DMC | Tou Thao                   |
| 120 | 3:18-PO-00340-DMC | Caleb L. Centeno           |
| 121 | 3:18-PO-00342-DMC | Darrin R. Dickson          |
| 122 | 3:18-PO-00346-DMC | John A. Gray Jr            |
| 123 | 3:18-PO-00353-DMC | Jackson C. Kircher         |
| 124 | 3:18-PO-00357-DMC | Tracy A. Line              |
| 125 | 3:18-PO-00361-DMC | Maguel K. Mendez           |
| 126 | 3:18-PO-00368-DMC | Casey J. Rowland           |
| 127 | 3:18-PO-00371-DMC | Deborah Stein              |
| 128 | 3:18-PO-00376-DMC | Antonia D. Bautist-Adalson |
| 129 | 3:18-PO-00382-DMC | Jullian J. Haymon          |
| 130 | 3:18-PO-00387-DMC | Kiel Laubisch              |
| 131 | 3:18-PO-00396-DMC | Ton Fow Saephan            |
| 132 | 3:18-PO-00401-DMC | Deon M. Stanford           |
| 133 | 3:18-PO-00418-DMC | Jose F. Mendoza            |
| 134 | 3:18-PO-00421-DMC | Rachel I. Rabago           |
| 135 | 3:18-PO-00423-DMC | Eberto Tafolla-Solorio     |
| 136 | 3:18-PO-00426-DMC | Ethan J. Willison          |
| 137 | 3:18-PO-00427-DMC | Riley E. Young             |
| 138 | 3:18-PO-00441-DMC | Brian J. Schricker         |
| 139 | 3:19-PO-00062-DMC | Aaron D. Hightower         |
| 140 | 3:19-PO-00064-DMC | Richard E. Kiser Jr        |
| 141 | 3:19-PO-00082-DMC | Michael A. Crist           |
| 142 | 3:19-PO-00125-DMC | Danny Pitcher              |
| 143 | 3:19-PO-00141-DMC | Fermin C. Salas Jr         |
| 144 | 3:19-PO-00227-DMC | Christina M. Halcon        |
| 145 | 3:19-PO-00228-DMC | Billy W. Larkins           |
| 146 | 3:19-PO-00264-DMC | Candice R. Beals           |
| 147 | 3:19-PO-00267-DMC | Ismael Caro Jr             |
| 148 | 3:20-PO-00002-DMC | Christian C. Arguello      |
| 149 | 3:20-PO-00005-DMC | Daniel R. Bowman           |
| 150 | 3:20-PO-00008-DMC | Jerry W. Cox               |
| 151 | 3:20-PO-00009-DMC | Nathaniel E. Craig         |
| 152 | 3:20-PO-00013-DMC | Rachelle L. Munoz          |
| 153 | 3:20-PO-00020-DMC | Troy C. Tolan              |
| 154 | 3:20-PO-00040-DMC | Santiago D. Ibanez         |
| 155 | 3:20-PO-00137-DMC | James Thomas               |
| 156 | 3:20-PO-00216-DMC | Jose U. Alvarez-Madrigal   |
| 157 | 3:20-PO-00232-DMC | Julie M. Byers             |
| 158 | 3:20-PO-00273-DMC | Zachary M. Hancock         |

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|     | ECF Case Number   | Defendant              |
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| 159 | 3:20-PO-00281-DMC | Adrian L. Henson       |
| 160 | 3:20-PO-00282-DMC | Jon U. Hershman        |
| 161 | 3:20-PO-00291-DMC | Jesse C. Keisner       |
| 162 | 3:20-PO-00315-DMC | Jason F. Munoz         |
| 163 | 3:20-PO-00349-DMC | Steven W. Schick       |
| 164 | 3:20-PO-00363-DMC | Dustin W. Webster      |
| 165 | 3:20-PO-00395-DMC | Arthur Chacon          |
| 166 | 3:20-PO-00414-DMC | Vincent Galindo        |
| 167 | 3:20-PO-00428-DMC | Shane L. Hayes         |
| 168 | 3:20-PO-00449-DMC | Matthew C. Morrison    |
| 169 | 3:20-PO-00477-DMC | Kevin L. Son           |
| 170 | 3:21-PO-00010-DMC | Simon L. Bigall        |
| 171 | 3:21-PO-00022-DMC | Ashley Hitcher         |
| 172 | 3:21-PO-00063-DMC | Robert J. McMaster     |
| 173 | 3:21-PO-00072-DMC | Jim H. Harper          |
| 174 | 3:21-PO-00077-DMC | Juan Perez             |
| 175 | 3:21-PO-00111-DMC | Jose J. Esparza        |
| 176 | 3:21-PO-00119-DMC | Jon W. Graham          |
| 177 | 3:21-PO-00136-DMC | Levi M. Rogers         |
| 178 | 3:21-PO-00158-DMC | Rebecca Clarke         |
| 179 | 3:21-PO-00175-DMC | Jade S. Wilt           |
| 180 | 3:21-PO-00183-DMC | Milton L. Booker       |
| 181 | 3:21-PO-00193-DMC | Johnny W. Gragg        |
| 182 | 3:21-PO-00195-DMC | David W. Griffin       |
| 183 | 3:21-PO-00290-DMC | Tia A. Smith           |
| 184 | 3:21-PO-00324-DMC | Colton Hastings        |
| 185 | 3:21-PO-00345-DMC | Adrienne J. Blake      |
| 186 | 3:22-PO-00018-DMC | Brian D. Tynes         |
| 187 | 3:22-PO-00030-DMC | Anthony Jimenez        |
| 188 | 3:22-PO-00043-DMC | Michael J. McDonald    |
| 189 | 3:22-PO-00065-DMC | Eli J. Hancock         |
| 190 | 3:22-PO-00105-DMC | Christopher L. Simmons |
| 191 | 3:22-PO-00117-DMC | Sean Roccoforte        |
| 192 | 3:22-PO-00222-DMC | Valeria C. Diaz        |
| 193 | 3:22-PO-00231-DMC | Peter J. Grundig       |
| 194 | 3:22-PO-00245-DMC | Domanick W. Rawlins    |
| 195 | 3:22-PO-00262-DMC | Brandy L. Bemis        |
| 196 | 3:22-PO-00273-DMC | Karolina Hajdas        |